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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,394	02/07/2006	Hendrikus G. Van Horck	US030270	3934

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EXAMINER	
HANCE, ROBERT J	

ART UNIT	PAPER NUMBER
4134	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,394	VAN HORCK, HENDRIKUS G.	
	Examiner	Art Unit	
	ROBERT HANCE	4134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 7-17* is/are rejected.

7)☒ Claim(s) *6 and 18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 February 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *02/07/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collings, US Patent No 5,828,402 in view of Maeda, US Patent No 6,580,679.

As to claim 1, Collings discloses a method for providing standardized genre assignments, the method comprising: receiving at least a first digital data transmission (col. 4 lines 11-15; col. 21 line 50 – col. 22 line 15); wherein at least one program in the first digital data transmission is associated with a rating according to a first rating assignment schedule (col. 22 lines 30-52 – ratings for programs are different in America and different parts of Canada); identifying a jurisdiction associated with the first rating assignment schedule (col. 21 line 50 – col. 22 line 15 – the rating scheme, thus the jurisdiction associated with the program, is detected); obtaining data from the first digital data transmission that identifies the associated rating (col. 22 lines 3-52); and mapping the at least one program to a rating in a standardized rating assignment schedule according to the associated identified jurisdiction and the associated identified rating (col. 22 lines 30-52; Table IV – ratings from different rating assignment schedules (MPAA, Pay-TV, Regie du Cinema), are mapped to the standard rating number 1-7).

Collings fails to disclose the mapping of genre assignments. However, in an analogous art, Maeda discloses the problem of genre assignments being different depending on the country of origin of an item of media (Fig. 4A, 4B; col. 1 lines 37-44; col. 5 lines 43-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to adapt the ratings mapping scheme disclosed by Collings to map differing genre schemes. The rationale for this combination would have been to allow user hardware to cope with signals from different regions which have different genre assignment schedules. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 2 Collings discloses the method of claim 1, wherein: the identifying of the jurisdiction comprises obtaining data from the first digital data transmission that identifies a country (col. 21 line 50 – col. 2 line 15 - the rating scheme, thus the country which broadcast the program, is detected).

As to claim 8 Collings discloses the method of claim 1, wherein: the first digital data transmission comprises at least one of audio and video data (col. 21 lines 50-53 – ratings are received for television programs, which comprise video and audio data).

As to claim 9 Collings discloses receiving data transmissions at a television (Abstract).

As to claim 10 Collings discloses a digital data transmission that is provided in a broadcast (Abstract).

As to claim 11 see similar rejection to claim 1. The program device of claim 11 corresponds to the method of claim 1. Therefore, claim 11 has been analyzed and rejected.

As to claim 12 see similar rejection to claim 1. The receiver of claim 12 corresponds to the method of claim 1. Therefore, claim 12 has been analyzed and rejected.

As to claim 13 Collings discloses a receiver (Fig. 1: 20), comprising; a tuner for receiving at least a first digital data transmission (col. 3 lines 35-38; col. 4 lines 11-15); wherein at least one program in the first digital data transmission is associated with a rating according to a first rating assignment schedule (col. 22 lines 30-52 – ratings for programs are different in America and different parts of Canada); and a control for executing instructions to identify a jurisdiction associated with the first rating assignment schedule (col. 21 line 50 – col. 22 line 15 – the rating scheme, thus the jurisdiction associated with the program, is detected), obtain data from the first digital data transmission that identifies the associated rating (col. 22 lines 3-52), and map the at least one program to a rating in a standardized rating assignment schedule according to the associated identified jurisdiction and the associated identified rating (col. 22 lines 30-52; Table IV – ratings from different rating assignment schedules (MPAA, Pay-TV, Regie du Cinema), are mapped to the standard rating number 1-7).

Collings fails to disclose the mapping of genre assignments. However, in an analogous art, Maeda discloses the problem of genre assignments being different depending on the country of origin of an item of media (Fig. 4A, 4B; col. 1 lines 37-44;

col. 5 lines 43-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to adapt the ratings mapping scheme disclosed by Collings to map differing genre schemes. The rationale for this combination would have been to allow user hardware to cope with signals from different regions which have different genre assignment schedules. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

As to claim 14 see similar rejection to claim 2. The receiver of claim 14 corresponds to the method of claim 2. Therefore, claim 14 has been analyzed and rejected.

3. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collings, US Patent No 5,828,402 in view of Maeda, US Patent No 6,580,679 and further view of Freimann et al., US Patent No 6,799,328.

As to claims 3 and 15 Collings as modified fails to disclose the method of claim 1, wherein: the identifying of the jurisdiction comprises obtaining a user setting that identifies a country. However, in an analogous art, Freimann et al. disclose a user setting that identifies a country (col. 8 lines 37-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Collings as modified with the teachings of Freimann et al. The rationale for this combination would have been to allow a user to set his/her country of residence, and therefore have

control over how ratings are presented. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

4. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collings, US Patent No 5,828,402 in view of Maeda, US Patent No 6,580,679 and further view of Matey, US Pub No 2002/0124248.

As to claims 4 and 16 Collings as modified fails to disclose the method of claim 1, wherein: the obtaining of data comprises obtaining a standard content nibble that identifies the associated genre. However, in an analogous art, Matey discloses obtaining a standard content nibble that identifies the associated genre (Paragraph 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Collings as modified with the teachings of Matey. The rationale for this combination would have been to place an indication of the genre of a specific program in the data stream. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

5. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collings, US Patent No 5,828,402 in view of Maeda, US Patent No 6,580,679 and further view of Ihara et al., US Patent No 6,925,509.

As to claims 5 and 17 Collings as modified fails to disclose the method of claim 1, wherein: the obtaining of data comprises obtaining a user nibble that identifies the associated genre. However, in an analogous art, Ihara et al. discloses obtaining a user nibble that identifies program genre (col. 7 lines 11-12). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Collings as modified with the teachings of Ihara et al. The rationale for this combination would have been to place an indication of the genre of a specific program in the data stream. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collings, US Patent No 5,828,402 402 in view of Maeda, US Patent No 6,580,679 and further view of Choi, US Patent No 5,832,001.

As to claim 7 Collings as modified fails to disclose the method of claim 1, wherein: the first digital data transmission is provided according to a Digital Video Broadcasting standard. However, in an analogous art, Choi discloses that the Digital Broadcasting Standard was well known in the art at the time of the invention (col. 2 lines

55-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Collings as modified with the teachings of Choi. The rationale for this combination would have been to use a commonly accepted and used broadcasting standard. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Allowable Subject Matter

7. Claims 6 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00am - 5:00am EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LunYi Lao can be reached on (571) 272-7671. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. H./
Examiner, Art Unit 4134

/LUN-YI LAO/
Supervisory Patent Examiner, Art Unit 4134